

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HARVEY ALAN,)
)
Plaintiff,)
)
v.) No. 4:15MC555 RWS
)
ALAN DAMON HARVEY,)
)
Defendant.)

MEMORANDUM AND ORDER

Before the Court is plaintiff Harvey Alan's complaint filed in this miscellaneous action. From the tone of his pleadings, plaintiff appears to be a member of the sovereign citizen group, or the Moorish Nation.

In his complaint, plaintiff asks this Court to grant him a certificate in the name of "Alan Damon Harvey," as well as a "constructive trust" in that name. It appears that plaintiff is in fact, suing himself in order to seek a name change. If indeed, that is what plaintiff is doing; such matters are not within the jurisdiction of this Court. *See* 28 U.S.C. §§ 1331 and 1332. Moreover, plaintiff's case should not have been filed as a miscellaneous action in this Court, which is more appropriate for matters that are open and closed within the same day, *i.e.*, rulings on subpoenas, etc.

Accordingly, the Court will require the Clerk to transfer plaintiff's complaint to a regular civil action in this Court. Plaintiff will be charged the full \$400 filing fee for bringing a civil action. If he cannot pay the full \$400 filing fee, he may seek leave to proceed as a pauper by filing a motion to proceed in forma pauperis and filing a CJA 23 Financial Affidavit. The Court

will then review plaintiff's motion to proceed in forma pauperis and determine whether he is entitled to proceed without payment of the full filing fee, in accordance with 28 U.S.C. § 1915.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall close the present miscellaneous action and transfer plaintiff's complaint, as well as his pending motions, to a new civil action in this Court. The new civil action shall not be filed under seal.

IT IS FURTHER ORDERED that the Clerk shall return to plaintiff the \$46.00 filing fee paid in the miscellaneous action.

IT IS FURTHER ORDERED that plaintiff shall be responsible for paying the full \$400 filing fee in the new civil action. If plaintiff cannot afford to pay the full filing fee he should seek leave to proceed as a pauper by filing a motion to proceed in forma pauperis and by filing a CJA 23 Financial Affidavit.

IT IS FURTHER ORDERED that the Clerk shall provide plaintiff with copies of a motion to proceed in forma pauperis and a CJA 23 Financial Affidavit.

IT IS FURTHER ORDERED that plaintiff shall have thirty (30) days from the date the new case is opened to either pay the \$400 filing fee or file his motion for leave to proceed in forma pauperis and accompany financial affidavit.

IT IS FURTHER ORDERED that plaintiff's failure to follow the instructions set forth above will result in a dismissal of his new civil action, without prejudice.

Dated this 13th Day of January, 2016.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE